

### REMARKS

The above amendments and these Remarks are in reply to the Office action dated June 4, 2007. With the cancellation of claims 1-10, 12-13, 16, 19-24 and 26-36, and the addition of claims 38-42, claims 11, 14-15, 17-18, 25 and 37-42 are presented for consideration. Applicants note with appreciation the allowance of claims 11, 14, 15, 17 and 18.

Claims 25 and 37 have been rewritten as independent claims as suggested by the Examiner including all of the limitations of the base claim. It is therefore respectfully requested that the objection to these claims be withdrawn. Additionally, new claims 38-42 have been added. Claim 38 is analogous to claim 25, but instead of reciting the structural chord members as in claim 25 along the sides, new claim 28 recites structural members along the sides, along the top and along the bottom edge. Claim 42 is analogous to claim 37, but, in addition to the recitation relating to welding, recites the structure of canceled claim 24 instead of canceled claim 34.

Therefore, it is respectfully submitted that claims 38 and 42 are patentable at least for the same reasons as are claims 25 and 37, respectively. In support of the patentability of claims 38-42, as well as the other pending claims, applicants note briefly that Johnson does not disclose a shearwall, which is a specific structural element designed to withstand lateral forces exerted for example during earthquakes. The panel of Johnson does not have structural elements, for example as recited in the current claims, that would allow it to withstand lateral forces. No new matter has been added in new claims 38-42.

### Objection to Claims 8, 30 and 31 Under 35 U.S.C. §112

Claims 8, 30 and 31 are objected to under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims have been canceled from the application in order to allow the remaining claims to proceed to issue.

### Rejection of Claims 8, 9, 24, 26, 27, 30 and 32-37 Under 35 U.S.C. §102(b)

Claims 8, 9, 24, 26, 27, 30 and 32-37 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,390,466 to Johnson et al (hereinafter "Johnson"). As indicated above, Johnson does not

disclose a shearwall. However, applicants have canceled claims 8, 9, 24, 26, 27, 30 and 32-37 so that the application may proceed to issue.

Based on the above amendments and these remarks, it is respectfully requested that the remaining claims in the application pass to issue.

Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: October 3, 2007

By: /Brian I. Marcus/  
Brian I. Marcus  
Reg. No. 34,511

VIERRA MAGEN MARCUS & DENIRO LLP  
575 Market Street, Suite 2500  
San Francisco, California 94105  
Telephone: (415) 369-9660  
Facsimile: (415) 369-9665